

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Dawn Perreault,

Plaintiff

v.

United States of America ex rel, et al.,

Defendants

Case No. 2:21-cv-01688-CDS-MDC

**Order Adopting
Magistrate Judge's Report and
Recommendation and Closing Case**

[ECF No. 7]

Pro se plaintiff Dawn Perreault initiated this action in September of 2021 without applying to proceed *in forma pauperis* (IFP) or paying the filing fee required to bring a civil action. ECF No. 1. On March 11, 2024, Magistrate Judge Maximiliano D. Couvillier, III ordered Perreault to pay the filing fee in full or file an IFP application by April 10, 2024, but the copy of the order that was sent to Perreault was returned as undeliverable. ECF Nos. 5; 6. Judge Couvillier now recommends that this case be dismissed for Perreault's failure to comply with his order to either file an application to proceed IFP or pay the filing fee. Report and Recommendation (R&R), ECF No. 7. The R&R mailed to Perreault was returned as undeliverable with a forwarding address on April 25, and a new copy was promptly re-mailed to Perreault the same day. ECF No. 8.

Perreault had until May 3, 2024 to file any objections to the R&R. 28 U.S.C. § 636(b)(1); LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days). However, because Perreault received a belated copy of the R&R, the court waited an additional seven days past the deadline to allow Perreault time to file an objection—or to comply with Judge Couvillier's order to file an IFP application or pay the filing fee. Perreault has not objected to the R&R, conformed with the court's order, or moved for additional time to do so. "No review is required of a magistrate judge's report and recommendation unless objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S.

1 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). I nonetheless
2 reviewed the R&R and agree with Judge Couvillier's finding that dismissal is warranted based on
3 Perreault's failure to obey his order to submit an IFP application or pay the filing fee by April 10,
4 2024. Beyond Judge Couvillier's recommendation, I find that Perreault violates Local Rule IA 3-1
5 for her failure to update her address. The same rule provides for the dismissal of an action based
6 on returned mail. LR IA 3-1 ("Failure to comply with this rule may result in the dismissal of the
7 action[.]"). It is well established that district courts have the authority to dismiss an action based
8 on a party's failure to prosecute, failure to obey a court order, or failure to comply with local rules.
9 Fed. R. Civ. P. 41(b); *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for
10 noncompliance with local rule); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
11 (dismissal for failure to comply with court order). Perreault has failed to comply with this court's
12 order; thus, dismissal is warranted. Accordingly, I adopt the R&R in its entirety.

13 Conclusion

14 IT IS THEREFORE ORDERED that Magistrate Judge Couvillier's report and
15 recommendation [ECF No. 7] is ADOPTED in full. The complaint is dismissed without
16 prejudice, and the Clerk of Court is kindly instructed to close this case.

17 Dated: May 13, 2024

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20 Cristina D. Silva
21 United States District Judge
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